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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

MAHSHID KIANFARD,
 Plaintiff,
 v.

No. C 07-2904 WDB

**JOINT CASE MANAGEMENT
 STATEMENT and [Proposed] ORDER**

ALBERTO R. GONZALES, Attorney General
 of the United States in his Official Capacity;
 ROBERT S. MUELLER, Director of FBI in his
 Official Capacity;
 MICHAEL CHERTOFF, Secretary of the
 Department of Homeland Security, in his Official
 Capacity;
 EMILIO T. GONZALEZ, Director of the United
 States Citizenship and Immigration Services, in
 his Official Capacity;
 ROSEMARY MELVILLE, District Director of
 the San Francisco Citizenship and Immigration
 Services, in her Official Capacity,
 Defendants.

1. Jurisdiction and Service:

The basis asserted by plaintiff for this Court's jurisdiction is 28 U.S.C. § 1331, 28 U.S.C. § 1361 and 5 U.S.C. § 701. The parties do not dispute that venue is proper in this district. No issues exist regarding personal jurisdiction or venue, and no parties remain to be served.

1 2. Facts:

2 The plaintiff filed a Form I-485 application to adjust her status to lawful permanent resident
3 with the United States Citizenship and Immigration Services (USCIS) on or about January 18,
4 2005. The USCIS has not yet adjudicated the Form I-485 application. The plaintiff filed an action
5 on June 5, 2007, seeking an order from this Court directing USCIS to adjudicate her Form I-485
6 application. Plaintiff's name check remains pending with the Federal Bureau of Investigation
7 (FBI).

8 3. Legal Issues:

9 Whether this Court should dismiss the plaintiff's action for lack of jurisdiction. If this Court
10 has jurisdiction, whether the USCIS is processing the plaintiff's I-485 application within a
11 reasonable period of time.

12 4. Motions:

13 The parties intend to file cross-motions for summary judgment.

14 5. Amendment of Pleadings:

15 No parties, claims or defenses are expected to be added or dismissed.

16 6. Evidence Preservation:

17 The parties do not have any evidence that falls within this category.

18 7. Disclosures:

19 The parties believe that the initial disclosure requirements of Fed. R. Civ. P. 26 do not apply to
20 this case.

21 8. Discovery:

22 The parties do not intend to take any discovery at this time.

23 9. Class Actions:

24 N/A

25 10. Related Cases:

26 The parties are not aware of any related case or cases.

27 11. Relief:

28 The plaintiff asks this Court to direct USCIS to adjudicate her Form I-485 application, and

1 award reason attorney's fees.

2 12. Settlement and ADR:

3 The parties' filed a joint request for an exemption from the Court's ADR process on August
4 21, 2007.

5 13. Consent to Magistrate Judge for All Purposes:

6 The parties consent to magistrate judge jurisdiction.

7 14. Other References:

8 The parties do not believe that this case is suitable for reference to binding arbitration, a
9 special master, or the Judicial Panel on Multidistrict Litigation.

10 15. Narrowing of Issues:

11 The parties do not believe that the issues can be narrowed by agreement or by motion, and do
12 not have suggestions to expedite the presentation of evidence at trial (e.g. through summaries or
13 stipulated facts), and any request to bifurcate issues, claims or defenses.

14 16. Expedited Schedule:

15 The parties believe this case can be resolved on cross-motions for summary judgment.

16 17. Scheduling:

17 Pursuant to the Court's Standing Order, the parties have called the Court's Clerk and propose
18 the following schedule on the parties' cross-motions for summary judgment:

19 Cross-Motions for Summary Judgment: September 26, 2007

20 Cross-Oppositions: October 10, 2007

21 Hearing: October 31, 2007, 1:30 p.m.

22 18. Trial:

23 The parties do not anticipate the need for a trial in this case.

24 19. Disclosure of Non-party Interested Entities or Persons:

25 The parties' intend to file the "Certification of Interested Entities or Persons" required by Civil
26 Local Rule 3-16.

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20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.

None.

Date: September 4, 2007

Respectfully submitted,

SCOTT N. SCHOOLS
United States Attorney

/s/

ILA C. DEISS
Assistant United States Attorney
Attorneys for Defendants

Date: September 4, 2007

/s/

THEODORE C. CHEN
Attorney for Plaintiff

CASE MANAGEMENT ORDER

The Joint Case Management Statement and Proposed Order are hereby adopted by the Court as the Case Management Order for the case, and the parties are ordered to comply with this Order.

Date:

WAYNE D. BRAZIL
United States Magistrate Judge